

US000322

Appl. No. 09/730,676  
Amdt. Dated March 16, 2005  
Reply to Office Action of February 9, 2005

REMARKS

Claims 1, 3, 4, 6-12, 14-16, and 18-22 remain pending in this Application.

Claims 1, 12 and 18 have been amended twice.

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Referring to the Office Action, claims 1, 3, 4, 6-12, 14-16, and 18-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Darbee et al. in view of Hendricks (US Pat. No. 5,798,785). The Office Action states that the Darbee reference discloses a program guide on a remote control mechanism, but fails to disclose the use of a weighting function based on when the real time event is to begin and end relative to the user's current time to yield a list of real-time event recommendation as to provide recommendations of upcoming shows that may be of interest to the user. The Office Action further states that Hendricks teaches the use of the weighting function absent in Darbee. The rejection is hereby traversed and reconsideration is respectfully requested.

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With regard to Claim 1 (currently amended), Applicants claim an apparatus for presenting real-time event recommendations which uses a weighting function that operates by "choosing at least one real-time event based upon at least one criterion, wherein the at least one criterion of the at least one real-time event is additionally weighted by multiple factors, a first factor being based on when the real time event is set to begin and to end relative to the user's current time, a second factor being based on a specific penalty per unit time for causing said user to wait until a real time event

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starts, and a same or different penalty per unit time for an accumulated time a user misses a real-time event, to yield a list of real-time event recommendations."

More particularly, the present system as claimed takes into account a specific  
5 penalty per unit time for causing the user to wait until the real-time event starts, and a same or different penalty per unit time for every minute the user misses. The function may, for example, increase linearly from a value of zero or some other minimum weighting value at the waiting threshold time to the maximum weighting value, one, at the start time of the real-time event. The function may thereafter decrease from the  
10 max value to zero at the end time of the show. Neither of the cited references teaches or anticipates the use of the weighting function claimed in the present invention.

Darbee merely discloses a remote control display capable of displaying a  
15 program guide. The recommender system as claimed by Applicants incorporates into the system a weighting operation which utilizes a function, or a contribution to a function, that approximates the current time in conjunction to the nominal recommendation operation to yield a final recommendation list for presentation to the user. The Hendricks device fails to disclose this feature as well. The Hendricks  
20 device is designed simply to allow the viewer to "choose the preferred time of day, the preferred duration (in 30 minutes increments up to 2 hours), and the preferred day of the week (col. 31, lines 58-63). The reference further teaches "an alternative embodiment [which] would allow the viewer to select up to X hour time periods for a certain day in which to search." The Hendricks device performs a materially different

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operation from Applicants' invention as claimed. It does not utilize a weighting function that takes into account a "factor being based on a specific penalty per unit time for causing said user to wait until a real time event starts, and a same or different penalty per unit time for an accumulated time a user misses a real-time event." No  
5 teaching or suggestion of this aspect is made anywhere in the reference. The same comments are applicable to claims 12 (currently amended) and 18 (currently amended).

There is no motivation or teaching in Darbee and Hendricks in combination or  
10 individually to modify the devices disclosed in the cited references to include this weighting operation as claimed by Applicants. One of ordinary skill in the art, based on the cited references, therefore cannot arrive at the claimed invention. The claimed invention is not anticipated or made obvious by the cited references, whether taken individually or in combination. Accordingly, in view of the above remarks, claims 1  
15 (currently amended), 12 (currently amended), and 18 (currently amended) are patentable over Darbee in view of Hendricks.

Claims 3, 4, 6-11 are each ultimately dependent from claim 1 (currently amended), and are therefore patentable for at least the same reasons as the latter.

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Claims 14-16 are each ultimately dependent from claim 12 (currently amended), and are therefore patentable for at least the same reasons as the latter.

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Claims 19-22 are each ultimately dependent from claim 18 (currently amended), and are therefore patentable for at least the same reasons as the latter.

In view of the foregoing, Applicants submit that the present invention is in  
5 condition for allowance and early passage to issue is therefore deemed proper and respectfully requested.

It is believed that no additional fee is due. However, if any additional fee is due, it should be charged to Deposit Account No. 23-0510.

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Respectfully submitted,



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